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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,073	09/13/2002	Peter Unger	B0074-US01	2610
24994	7590	11/20/2003	EXAMINER	
GAMBRO, INC PATENT DEPARTMENT 10810 W COLLINS AVE LAKEWOOD, CO 80215			KIM, SUN U	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,073

Applicant(s)

UNGER ET AL.

Examiner

John Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 061903.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Application data sheet shows that foreign priority is claimed for Swedish Application No. 0000866-4 filed 3/16/00. However, the declaration shows that the priority to said Swedish Application is not claimed. Please correct this discrepancy. Furthermore, a certified copy of the priority document has not been received. For the purpose of examination, the priority to the filing date of said Swedish Application is not given the benefit.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 01/97943 A1 (hereinafter referred to as WO '943). WO '943 teaches a cassette comprising a first cassette portion (18) for receiving a container set having a container

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containing blood (6) connected to containers (7, 8, 9) via tubes (14, 15) having valves (21, 22) in recess of the cassette portion (18) and a second cassette portion (17) comprising pressure chambers (23) sealed off by a flexible membrane (11) i.e. pressure pad connected to a gas pressure source and a cassette receiving pathway for accommodating tubes (14, 15) connecting blood container (6) to other containers (7, 8, 9) wherein two cassette portions are connected by a hinge (19) wherein containers (6, 7, 8, 9) are received in defined cavities (10) (see figures 3-6, 9-10, 14-17; page 11, line 26 – page 14, line 2; page 16, line 21 – page 17, line 17; page 19, line 14 – page 20, line 28).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '943 as applied to claim 8 above, and further in view of WO 92/00145 (hereinafter referred to as WO '145). WO '943 teaches a cassette as described in above paragraph 3. Claim 15 essentially differs from the cassette of WO '943 in reciting a locking mechanism to lock the first cassette portion to the second cassette portion. WO '145 teaches a cassette comprising a first cassette portion (12) for receiving a container set having a container (1) containing blood products and having a closure device (10) i.e. clamp and connected to a plurality of containers (2, 3) via tubes (4, 5) and a second cassette portion (13) comprising a pressure displacement body (17) i.e. pressure pad connected to air pressure source (39) and a cassette receiving pathway (19) for accommodating hoses connecting blood container (1) to side containers (2, 3) wherein two cassette portions are connected by a hinge (16) and locked together by means of a locking bar or strap (20) which engages a pin or stud (21) (see figures 1-5; page 9, line 14 – page 11, line 7; page 12, line 25 – page 14, line 20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to adapt a locking mechanism to lock the first cassette

portion to the second cassette portion in the cassette of WO '943 to secure the cassette portions together as suggested by WO '145.

5. Claims 16-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '943 in view of U.S. Patent No. 6,433,343 (hereinafter referred to as Cimino et al). WO '943 teaches a cassette as described in above paragraph 3. Claims 16-18 and 20-21 essentially differ from the apparatus of WO '943 in reciting that a first cassette portion or cassette made of material transparent to ultraviolet radiation. Cimino et al teach a device for photo-inactivation of pathogens in blood containers comprising blood containers (102) placed between upper (103) and lower (104) ultraviolet light transparent plate assemblies to transmit ultraviolet light from UV source (101) (see figure 2; col. 17, line 21 – col. 18, line 63). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to adapt a first cassette portion or cassette made of material transparent to ultraviolet radiation source in the cassette of WO '943 for inactivating pathogens in blood container as suggested by Cimino et al.

5. Claims 16-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '145 in view of U.S. Patent No. 6,433,343 (hereinafter referred to as Cimino et al). WO '145 teaches a cassette as described in above paragraph 4. Claims 16-18 and 20-21 essentially differ from the apparatus of WO '145 in reciting that a first cassette portion or cassette made of material transparent to ultraviolet radiation. Cimino et al teach a device for photo inactivation of pathogens in blood containers comprising blood containers (102) placed between upper (103) and lower (104) ultraviolet light transparent plate assemblies to transmit ultraviolet light from UV source (101) (see figure 2; col. 17, line 21 – col. 18, line 63). It would have been obvious to a person of ordinary

skill in the art at the time the invention was made to adapt a first cassette portion or cassette made of material transparent to ultraviolet radiation source in the cassette of WO '145 for inactivating pathogens in blood container as suggested by Cimino et al.

6. Applicant's arguments with respect to claims 8-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection. In view of new prior art submitted by applicants on 6/19/03, new ground of rejection is made herein.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Information disclosure statement submitted on 6/19/03 has been considered by the examiner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350.

The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response is (703) 872-9306.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


John Kim
Primary Examiner
Art Unit 1723

J. Kim
November 14, 2003